

GAHC010014692023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/217/2024

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET
KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH
G.S. ROAD
GUWAHATI- 781005 REPRESENTED BY THE CHIEF REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE.

VERSUS

SONALI DAS@ SUNAINA BEGUM AND 5 ORS . A
W/O LATE LATE NAZIM IFTIKAR IKBAL
D/O PROMOD BILWARIA
R/O NEW BALIBAT
JORHAT
P.S.- JORHAT
P.O.- JORHAT
DIST.- JORHAT
ASSAM
PIN- 785001.

2:UNITED INDIA INSURANCE COMPANY LIMITED
BOKAKHAT BRANCH
NATYA MANDIR
P.O.- BOKAKHAT
P.S.- BOKAKHAT

DIST.- GOLAGHAT
ASSAM
PIN- 785612.
3:TAPUBROT BORTHAKUR
S/O PRADIP BORTHAKUR

R/O MILAN NAGAR

P.O.- BOKAKHAT
P.S.- BOKAKHAT

DIST.- GOLAGHAT
ASSAM
PIN- 785612.
4: MONOHAR SINGH MATHARU
S/O SARDAR SINGH MATHARU

R/O CHENGALI GAON

P.O.- JORHAT

P.S.- JORHAT

DIST.- JORHAT
ASSAM
PIN- 785001.
5: HIRAMAI BEGUM
W/O LATE ZEHIRUDDIN AHMED

R/O RAJAHOWLI GAON

P.O.- KURUKAOLI

P.S.- JORHAT

SIT.- JORHAT
ASSAM
PIN- 785015.

Advocate for : MR T KALITA
Advocate for : appearing for SONALI DAS@ SUNAINA BEGUM AND 5 ORS . A

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 19-02-2024

Heard Mr. T.Kalita, learned counsel for the appellant.

By filing this application, the applicant is praying for staying of

operation of the impugned judgment and order dated 22.08.2022, passed by the learned Member, Motor Accidents Claim Tribunal, Jorhat in MAC case no. 32/2016.

The operation of the judgment and order dated 22.08.2022, passed by the learned Member, Motor Accidents Claim Tribunal, Jorhat in MAC case no. 32/2016 shall remain stayed on the condition that the appellant deposits 25% of the awarded amount (which consists of 50 % of the amount awarded against the appellant) before this Registry within a period of six weeks from today.

Since the appellant has challenged the impugned order on the ground that they are not liable as the case of the deceased is not covered under the Act policy, and the rash and negligent driving in the instant case was on the part of the vehicle bearing registration No. AS 01 EC 7656 belonging to respondent no. 2 and not on the part of the claimant; the amount so deposited by the appellant shall not be disbursed till further order.

With the aforesaid direction, this I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant